

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Frank J. Juskey, et al. Group Art Unit: N/A
Serial No.: 10/563,172 Examiner: N/A
Filed: February 17, 2004 Confirmation No.: 3747
For: LEAD FRAME WITH INCLUDED PASSIVE DEVICES

PETITION FOR FILING BY OTHER THAN ALL THE INVENTORS UNDER
37 C.F.R. §1.47(a)

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants, Frank J. Juskey and Daniel K. Lau, hereby petition the Commissioner to accept the filing of the above-identified U.S. Patent Application by other than all of the inventors.

An Affidavit is attached hereto providing proof of the pertinent facts concerning the refusal of co-inventor, Lawrence R. Thompson, to join in the present application for patent.

The name and the address of the co-inventor refusing to join in this application is as follows:

Lawrence R. Thompson
5675 Keymar Drive
San Jose, CA 95123

The invention was developed in conjunction with and under the authorization of Advanced Interconnect Technologies Limited, which is organized under the laws of the Republic of Mauritius, by its employees Frank J. Juskey, Daniel K. Lau and Lawrence R. Thompson, and a patent application was filed on February 17, 2004.

Upon information and belief, which will be discussed below, Advanced Interconnect Technologies Limited is entitled to clear title to the invention and to the above-identified patent application and to any patents, United States and foreign, that issue thereon.

The Supreme Court of the United States in *Solomons v. U.S.* 137 U.S. 342, 346 (1890) held:

If one is employed to devise or perfect an instrument, or a means for accomplishing a prescribed result, he cannot after successfully accomplishing the work for which he was employed, plead title thereto as against his employer. That which he has been employed and paid to accomplish becomes, when accomplished, the property of his employer. Whatever rights, as an individual he

may have had in and to his inventive powers, and that which they were able to accomplish, he has sold in advance to his employer.

Lawrence R. Thompson was an employee of Advanced Interconnect Technologies Limited at the time he made his contribution to the claimed invention. It is clear that an employee who is paid to develop an invention comes within the scope of the language cited.


Since Lawrence R. Thompson was employed by Advanced Interconnect Technologies Limited, that is, paid compensation to jointly develop, with Frank J. Juskey and Daniel K. Lau, the lead frame with included passive devices, the invention belongs to Advanced Interconnect Technologies Limited and each individual inventor who contributed to the development of the device has a duty to jointly execute an application for patent covering the device and to assign the invention, patent application, and any patent which issues to Advanced Interconnect Technologies Limited.

A declaration executed by co-inventors Frank J. Juskey and Daniel K. Lau on behalf of themselves and non-signing inventor Lawrence R. Thompson is enclosed in accordance with MPEP §409.03.

In view of the refusal of co-inventor Lawrence R. Thompson to execute the papers required for filing the present patent application, co-inventors Frank J. Juskey and Daniel K. Lau are believed entitled to make such application on behalf of and as agent for his co-inventor (Lawrence R. Thompson).

The required fee pursuant to Rule 1.17(g), and any other fees associated with this Petition, is authorized to be charged to Deposit Account No. 23-1665 as indicated on accompanying Completion of Filing Requirements document .

Respectfully submitted:


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AFFIDAVIT OF MARTY KENNEDY

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Marty Kennedy, being duly sworn, and having personal knowledge of the facts set forth herein, hereby deposes and says that:

1. I am employed at Advanced Interconnect Technologies Limited. My present job title is Legal Assistant. My duties include assisting in the prosecution of applications for patents and obtaining required documents. Lawrence R. Thompson was formerly employed at Advanced Interconnect Technologies Limited. One aspect of Mr. Thompson's employment was the development of new products and new processes invented for the benefit of Advanced Interconnect Technologies Limited. Accordingly, Mr. Thompson is a joint inventor for patent application 10/563,172. Mr. Thompson is now retired from Advanced Interconnect Technologies Limited.
2. On May 19, 2006: Lawrence R. Thompson's address was confirmed online. The last address known to me is 5675 Keymar Drive, San Jose, CA 95123. A former co-worker provided Mr. Thompson's cellular phone number. Mr. Thompson's home phone number is unlisted and could not be obtained. I left a message on his cellular phone that same day.
3. I attempted to contact Mr. Thompson to obtain his signature on a "Combined Declaration and Power of Attorney for Joint Inventors" for the 10/563,172 patent application. I sent the oath and declaration to Mr. Thompson's address via Federal Express with a return envelope. The Federal Express package was received on May 20, 2006.
4. On August 24, 2006, I spoke with Mr. Thompson and he stated that he would put the signature pages in the mail.
5. The documents were never received at Advanced Interconnect Technologies. I called several more times and never reached Mr. Thompson. Mr. Thompson's cellular phone has been disconnected.
6. A "Notice to File Missing Parts of Nonprovisional Patent Application" to submit the "Combined Declaration and Power of Attorney for Joint Inventors" to the United States Patent and Trademark Office was sent by mail on January 10, 2007. Several

unsuccessful attempts to reach Mr. Thompson by telephone have been since made. A reply to the "Notice to File Missing Parts of Nonprovisional Patent Applications" is due on March 10, 2007.

7. Accordingly, to preserve and protect the patent rights of Advanced Interconnect Technology Limited patent rights it is necessary for the patent application to be accepted by the United States Patent and Trademark Office notwithstanding the unavailability of Lawrence R. Thompson to sign the enclosed "Combined Declaration and Power of Attorney for Joint Inventors". Under 37 C.F.R. §1.47 and MPEP §409.03, when an inventor refuses to sign or cannot be reached after diligent effort, the application may be made by the other inventors on behalf of himself or herself and the nonsigning inventor.
8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By: Marty Kennedy
Marty Kennedy

Title: Legal Assistant

Date: March 9, 2007